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CC: FISCAL

10 Attorneys for Plaintiff
11 United States of America

12 UNITED STATES DISTRICT COURT

13 FOR THE CENTRAL DISTRICT OF CALIFORNIA

14 EASTERN DIVISION

15 UNITED STATES OF AMERICA,) NO. EDCV 08-1276 VAP (PLAx)
16 Plaintiff,)
17 v.) **CONSENT JUDGMENT AS TO THE**
18 \$35,530.20 IN UNITED STATES) **FOLLOWING DEFENDANT ASSETS**
19 CURRENCY,) **ONLY: \$29,530.20 OF THE**
20 Defendant.) **DEFENDANT \$35,530.00 IN UNITED**
21) **STATES CURRENCY**
22) [This Proposed Consent Judgment
23) Is Not Dispositive Of This
24) Entire Action]
25)
26) [NOTICE OF LODGING CONSENT
27) JUDGMENT LODGED CONCURRENTLY
28) HEREWITH]

26 A. On or about September 17, 2008, plaintiff United States of
27 America ("the government" or "the United States of America")

1 filed a Complaint for Forfeiture alleging that the defendant
2 \$35,530.20 in United States Currency ("defendant currency"), is
3 subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6).

4 B. The government and potential claimant Herminia Lopez have
5 agreed to settle this matter to avoid further litigation between
6 them by entering into this Consent Judgment.

7 C. The Court having been duly advised of and having considered
8 the matter, and based upon the mutual consent of the parties
9 hereto,

10 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

11 1. This Court has jurisdiction over the subject matter of
12 this action and over the parties to this Consent Judgment of
13 Forfeiture.

14 2. The Verified Complaint for Forfeiture states a claim
15 for relief pursuant to 21 U.S.C. § 881(a)(6).

16 3. Notice of this action has been given as required by
17 law. No claims have been filed and no requests to extend the
18 claim deadline have been made. The parties to this Agreement are
19 unaware of any potential claimants to the defendants other than
20 Lopez. The time for filing claims has expired. The Court deems
21 that all potential claimants other than Lopez admit the
22 allegations of the Verified Complaint for Forfeiture to be true.

23 4. The United States of America shall have judgment as to
24 \$29,530.20 of the defendant plus all interest earned by the
25 government on the entirety of the \$35,530.20 in United States
26 currency, and no other person or entity shall have any right,
27 title or interest therein. The United States Marshals Service is
28 ordered to dispose of said assets in accordance with law.

1 5. \$6,000.00 of the defendant, without any interest earned
2 by the government on that amount, shall be returned to potential
3 claimant Herminia Lopez. Said funds shall be forwarded by check
4 made payable to "James J. Warner, Esq., Attorney-Client Trust
5 Account," and shall be mailed to James J. Warner, Esq., Law
6 Offices of James J. Warner, 3233 Third Avenue, San Diego,
7 California 92103.

8 6. Potential claimant Herminia Lopez hereby releases the
9 United States of America, its agencies, agents, officers,
10 employees and representatives, including, without limitation, all
11 agents, officers, employees and representatives of the Drug
12 Enforcement Agency, and its respective agencies, as well as all
13 agents, officers, employees and representatives of any state or
14 local governmental or law enforcement agency involved in the
15 investigation or prosecution of this matter, from any and all
16 claims, actions, or liabilities arising out of or related to this
17 action, including, without limitation, any claim for attorney
18 fees, costs, and interest, which may be asserted by or on behalf
19 of potential claimant Herminia Lopez, whether pursuant to 28
20 U.S.C. § 2465 or otherwise.

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1 7. The Court finds that there was reasonable cause for the
2 seizure of the defendant and institution of these proceedings
3 against the said defendant. This judgment shall be construed as
4 a certificate of reasonable cause pursuant to 28 U.S.C. § 2465.

5 DATED: February 26, 2009

6 
7 THE HONORABLE VIRGINIA A. PHILLIPS
8 UNITED STATES DISTRICT JUDGE
9

10 CONSENT

11 The parties hereto consent to the above judgment and waive
12 any right to appeal this judgment.

13 DATED: January __, 2009

14 THOMAS P. O'BRIEN
15 United States Attorney
16 CHRISTINE C. EWELL
17 Assistant United States Attorney
18 Chief, Criminal Division
19 STEVEN R. WELK
20 Assistant United States Attorney
21 Chief, Asset Forfeiture Section

22 /s/

23 FRANK D. KORTUM
24 Assistant United States Attorney

25 Attorneys for Plaintiff
26 UNITED STATES OF AMERICA

27 DATED: January __, 2009

28 /s/

29 JAMES J. WARNER

30 Attorney for Claimant
31 Herminia Lopez